

REMARKS/ARGUMENTS

With this Amendment, Applicant amends claims 33, 36, 39, 44, 127, 133, 142, 143, 144 and 145. No new matter is added. Claims 1-45, 48-56 and 60-143 are currently pending in the application. However, claims 1-32 and 59-124 are withdrawn from consideration. Based on the following remarks and the foregoing amendments, Applicant respectfully requests reconsideration of the application and allowance of the claims.

I. Rejection of Claims 33-45, 48-56, 127-128, 131-133 & 136-145 Under 35 U.S.C. § 103(a)

Claims 33-45, 48-56, 127-128, 131-133 and 136-145 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Westbury et al. (U.S. Patent No. 6,873,963; hereinafter “Westbury”), Savino et al. (U.S. Patent No. 6,015,167; hereinafter “Savino”), Swan et al. (U.S. Patent No. 6,901,304; hereinafter “Swan”) and Boucher et al. (U.S. Patent Appln. Publn. No. 2003/0097306; hereinafter “Boucher”).

In contrast to amended independent claim 33, Westbury, Savino, Swan and Boucher taken individually or in combination do not teach or suggest and are altogether silent regarding a system comprising, *inter alia*: (A) a sender computer system comprising a processor configured to *transmit object identification data identifying one or more objects*, the objects defined by a sender to *identify one or more products or other contents of at least one package*; and (B) a carrier computer system comprising a processor configured to *provide data, to at least one device or recipient, identifying the objects, a location of the objects and a status of the objects being transported in the at least one package as the objects pass through one or more portals and are scanned by scanning devices of the portals* within a transport network of the carrier.

In rejecting claim 33, the Examiner relies on “column 3, line 64-column 4, line 10” of Westbury alone or in combination with Savino, Swan and Boucher, as allegedly disclosing “transmit[ing] object identification data identifying an object ... to identify a product” (See pg. 3 of the Office Action) In particular, the Examiner suggests that a “part number” of Westbury corresponds to the claimed one or more objects. (See *id.*) Additionally, the Examiner relies on column 4, lines 25-65 of Westbury, alone or in combination, as allegedly disclosing “data that is generated as the object passes through at least one portal.” (See *id.*)

In contrast to claim 33, the cited portion and indeed all of Westbury, alone or in combination with Savino, Swan and Boucher, at most discloses that an electronic document referred to as “commodity information” includes the part number of supplier goods and is provided to a tracking system 20. Additionally, the cited portion of Westbury, alone or in combination, discloses that a carrier shipment notification form relating to a “carrier 14, and the date and time which the carrier actually picked up the supplier goods.” (Col. 4, lines 39-41 of Westbury) In this regard, Westbury, alone or in combination, explains that “it combines both the carrier shipment notification and the commodity information” “to obtain one source” “in order to arrive at an accurate date and time of shipment for supplier goods.” (Col. 4, line 67 – Col. 5, line 11 of Westbury) Westbury, alone or in combination, explains that the one source of information is provided to the tracking system so that the tracking system 20 can “determine whether supplier goods will be delivered to [the] manufacturer 16 on time” and if the tracking system 20 determines that the supplier goods will be delivered later than the time requires, a user can be sent an alarm to make alternative arrangements. (Col. 5, lines 13-14, 64-67 & Col. 5, lines 1-5 of Westbury)

In view of the foregoing, Westbury alone or in combination with Savino, Swan and Boucher at most discloses using one source of information that combines commodity information including the part number of supplier goods and carrier notification information relating to the pickup and delivery information of a carrier 14 so that the tracking system 20 may “determine the best [estimated time of arrival] ETA.” (Col. 5, lines 49-52 of Westbury)

However, nowhere in Westbury, alone or in combination with Savino, Swan and Boucher, is there any mention, teaching or suggestion relating to a carrier computer system comprising a processor configured *provide data to* at least one device or recipient, *identifying* the part number (alleged object), a location of the part number and a status of the part number being transported in a package as the part number passes through one or more portals and are scanned by scanning devices of the portals within a transport network of the carrier 14, as would be required by the recitations of claim 33. Additionally, nowhere in Westbury, alone or in combination, is there any discussion, teaching or suggestion relating to providing any *data to a device or recipient* identifying any supplier goods, a location of the supplier goods and a status of the supplier goods being transported in a package as the supplier goods pass through one or

more portals and are scanned by scanning devices of the portals, as would be required by claim 33. At most, Westbury, alone or in combination, discloses a tracking system 20 which determines an estimated time of arrival of goods which does not teach or suggest the above features of claim 33.

The Examiner also suggests that Savino, alone or in combination, discloses a "portal [that] has at least one scanner." (See pg. 5 of the Office Action) Even assuming *arguendo* that Savino discloses a portal having a scanner, Savino, alone or in combination, is altogether silent and does not contemplate a processor that provides data to a device identifying the objects defined to identify products or other contents, a location of the objects and a status of the objects transported in a package as the objects pass through portals, as would be required by claim 33.

Based on at least the foregoing reasons, Applicant submits that the combination of Westbury, Savino, Swan and Boucher is deficient and does not teach or suggest all of the features of claim 33 and its dependent claims 34-45, 48-56, 136, 138, 140, 142 and 144.

Since claim 127 contains features that are analogous to, though not necessarily coextensive with, the features recited in independent claim 33, Applicant submits that independent claim 127 and its dependent claims 128, 131-133, 137, 139, 141, 143 and 145 are patentable at least for reasons analogous to those submitted for claim 33.

II. Rejection of Claims 125, 126, 129, 130, 134 & 135 Under 35 U.S.C. § 103(a)

Claims 125, 126, 129, 130, 134 and 135 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Westbury, Savino, Swan, Boucher and in further view of Bengston (U.S. Pub. No. 2002/0049781; hereinafter "Bengston"). Applicant respectfully traverses this rejection for at least the following reasons.

As discussed above, the combination of Westbury, Savino, Swan and Boucher is deficient vis-à-vis independent claims 33 and 127 and Bengston does not make up for the deficiencies of Westbury, Savino, Swan and Boucher and is not cited for such. Accordingly, Applicant submits that claims 125, 126, 129, 130, 134 and 135 are patentable at least by virtue of their respective dependencies from independent claims 33 and 127. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of dependent claims 125, 126, 129, 130, 134 and 135.

Appl. No.: 10/616,770
Amdt. dated June 24, 2010
Reply to Office Action of March 31, 2010

III. Conclusion

In view of the foregoing remarks, Applicant respectfully submits that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. Examiner Zare is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Cory C. Davis
Registration No. 59,932

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Atlanta Office (404) 881-7000
Fax Atlanta Office (404) 881-7777

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON June 24, 2010.